



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Adopt resolution for legislative support on Neighboring Land Protection Program Extension in Perpetuity related to the San Joaquin County Multi-species Habitat Conservation and Open Space Plan

MEETING DATE: April 4, 2001

PREPARED BY: Community Development Director

RECOMMENDED ACTION: That the City Council adopt a resolution supporting Neighboring Land Protection in Perpetuity.

BACKGROUND INFORMATION: As part of the recent action on the San Joaquin County Multi-species Habitat Conservation and Open Space Plan, the Council agreed to support legislation to extend neighboring land protection in perpetuity. This resolution is being requested by all the cities in the County as well as the County. Current Federal policy does not recognize this protection in perpetuity.

The concept of neighboring lands protection is of foremost concern to those property owners who may find themselves adjacent to a land preserve. The activities of the preserve are by definition meant to create a viable habitat for both plants and animals. A potential downside to this adjacency is migration. As an example, if a particular species of plant is protected within a preserve and migrates to an adjacent vineyard, the owner of the vineyard needs the neighboring lands protection in order to eliminate the plant, particularly if it invades the vineyard operation. Without the protection in perpetuity, you could have the protection for the plant life span (50 years) and see the protection end and the preserve continue, thus placing the vineyard owner in violation of removing the species. Quite simply, the neighboring lands protection needs to be given in the same time frame as the preserve, or in essence perpetuity.

FUNDING: None required

Konradt Bartlam
Community Development Director

KB/lw

Attachments

APPROVED:

H. Dixon Flynn -- City Manager



SAN JOAQUIN COUNCIL OF GOVERNMENTS

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Memorandum

Dan Bilbrey
CHAIRMAN

Mike Restuccia
VICE CHAIRMAN

Julia E. Greene
EXECUTIVE DIRECTOR

Member Agencies

CITIES OF
ESCALON,
LATHROP,
LODI,
MANTECA,
RIPON,
STOCKTON,
TRACY,
AND
THE COUNTY OF
SAN JOAQUIN

DATE: March 9, 2001

TO: Gary Haskin, Escalon Mayor
Steve McKee, Lathrop Mayor
Alan S. Nakanishi, Lodi Mayor
Carlton Perry, Manteca Mayor
Don Moyer, Ripon Mayor
Gary Podesto, Stockton Mayor
Dario Marengo, Board of Supervisor Chairman

FROM: Dan Bilbrey, Chairman 

SUBJECT: Resolution for Legislative Support on Neighboring Land Protection Program Extension in Perpetuity

On January 27, 2001, the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (Plan) was adopted in entirety by all participating local governments with unanimous votes (41-0). The adoption of the Plan is a great accomplishment, and I would like to thank each one of you for your assistance and hard work in making the adoption process successful.

One concern during County adoption was the extension of the Neighboring Land Protection Program (NLPP). One of the primary goals of the Plan's Joint Powers Authority (also known as SJCOG, Inc.) is to pursue legislatively the extension of the NLPP in perpetuity. However, the JPA will need your participation and support in order to successfully achieve the extension. It is vital that the participating local governments be active in the pursuance of the NLPP legislative process.

Therefore, I am requesting that the attached resolution be forwarded to your next City Council/Board meeting for adoption. The resolution acknowledges the adoption of the Plan by all participating local governments, and the need to extend the NLPP in perpetuity with agreement by your local government to assist in pursuing the matter.

In conclusion, I again would like to thank each one of you for your assistance and hard work in helping the Plan come to life. This is a great achievement for San Joaquin County. If you have any questions regarding the attached resolution, please give Julia Greene at SJCOG a call at 468-3913.

cc: City Managers & County Administrator
Community Development Directors

Resolution # _____

RESOLUTION RECOGNIZING THE ADOPTION OF THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN BY THE LOCAL GOVERNMENT PARTICIPANTS AND TO EXTEND THE NEIGHBORING LAND PROTECTION PROGRAM IN PERPETUITY

WHEREAS, on ^{February}~~January~~ 27, 2001, the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) has been collectively adopted by all local government participants, which consists of Cities of Stockton, Lathrop, Tracy, Escalon, Manteca, Ripon, and Lodi, and San Joaquin County; and

WHEREAS, the SJMSCP establishes preserve lands which will be maintained in perpetuity for the ninety-seven (97) species covered by the SJMSCP; and

WHEREAS, property owners located near or adjacent to Preserves lands can participate in the Neighboring Land Protection Program established in the SJMSCP; and

WHEREAS, the Neighboring Land Protection Program will expire in fifty (50) years from the effective date of the SJMSCP.

NOW THEREFORE, BE IT RESOLVED that the City of _____ (County) hereby recognizes the adoption of the SJMSCP by all local government participants; and

FURTHER, BE IT RESOLVED, that the City of _____ (County) do hereby recognize the need to extend the Neighboring Land Protection Program in perpetuity; and

FURTHER, BE IT RESOLVED, that the City of _____ (County) do hereby agree to participate jointly with the San Joaquin Council of Governments to actively pursue legislatively the extension of the Neighboring Land Protection Program in perpetuity.

PASSED AND ADOPTED this ____ day of March 2001, at the regular meeting of the _____ by the following vote:

AYES:

NOES:

ABSENT:

Name
Title

RESOLUTION NO. 2001-78

A RESOLUTION OF THE LODI CITY COUNCIL RECOGNIZING THE
ADOPTION OF THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT
CONSERVATION AND OPEN SPACE PLAN BY THE LOCAL
GOVERNMENT PARTICIPANTS AND TO EXTEND THE NEIGHBORING
LAND PROTECTION PROGRAM IN PERPETUITY

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WHEREAS, on February 27, 2001, the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) has been collectively adopted by all local government participants, which consists of the Cities of Stockton, Lathrop, Tracy, Escalon, Manteca, Ripon, Lodi, and San Joaquin County; and

WHEREAS, the SJMSCP establishes preserve lands which will be maintained in perpetuity for the ninety-seven (97) species covered by the SJMSCP; and

WHEREAS, property owners located near or adjacent to Preserve lands can participate in the Neighboring Land Protection program established in the SJMSCP; and

WHEREAS, the Neighboring Land Protection Program will expire fifty (50) years from the effective date of the SJMSCP.

NOW THEREFORE, BE IT RESOLVED that the City of Lodi hereby recognizes the adoption of the SJMSCP by all local government participants; and

BE IT FURTHER RESOLVED, that the City of Lodi does hereby recognize the need to extend the Neighboring Land Protection Program in perpetuity; and

BE IT FURTHER RESOLVED, that the City of Lodi does hereby agree to participate jointly with the San Joaquin Council of Governments to actively pursue legislatively the extension of the Neighboring Land Protection Program in perpetuity.

Dated: April 4, 2001

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I hereby certify that Resolution No. 2001-78 was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 4, 2001, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Land and Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Howard and Pennino

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk